

RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULAR OFFICERS

Convention signed at Brussels December 5, 1868

Senate advice and consent to ratification April 12, 1869

Ratified by the President of the United States April 18, 1869

Ratified by Belgium June 17, 1869

*Ratifications exchanged at Brussels July 8, 1869*¹

Entered into force July 8, 1869

Proclaimed by the President of the United States March 7, 1870

*Terminated January 1, 1880*²

16 Stat. 757; Treaty Series 25

The President of the United States of America and His Majesty the King of the Belgians, recognizing the utility of defining the rights, privileges and immunities of Consular Officers in the two Countries, deem it expedient to conclude a consular convention for that purpose.

Accordingly they have named: The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident near His Majesty the King of the Belgians, and His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, etc., etc., His Minister of Foreign Affairs; who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE 1

Each of the high contracting parties agrees to receive from the other, Consuls-general, Consuls, Vice-Consuls, and Consular agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

ARTICLE 2

Consular officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the neces-

¹ In an additional protocol signed at Brussels June 1, 1869, the two parties agreed to a delay in the exchange of ratifications. On Mar. 2, 1870, the United States Senate gave its advice and consent to this delay.

² Pursuant to notice of termination given by Belgium Jan. 1, 1879.

sary exequatur free of charge, and on the exhibition of this instrument, they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this Convention.

ARTICLE 3

Consular officers, citizens of the State by which they are appointed shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes, and punishes it as such; from military billetings, from service in the militia or in the national guard, or in the regular army, and from all taxation, federal, State, or municipal. If, however, they are citizens of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens of the country, who are merchants or owners of property.

ARTICLE 4

No consular officer who is a citizen of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a consular officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to United States consuls in Belgium, in the like cases.

ARTICLE 5

Consuls-general, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or their dwelling-houses, the arms of their nation, with this inscription, "Consulate, or Vice-Consulate, or consular Agency" of the United States, or of Belgium, etc., etc. And they may also raise the flag of their country on their offices or dwelling-houses, except in the capital of the country, when there is a legation there.

ARTICLE 6

The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a consular officer

is engaged in other business the papers relating to the Consulate shall be kept separate.

ARTICLE 7

In the event of the death, incapacity, or absence of Consuls-general, Consuls, Vice-Consuls, and Consular Agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

ARTICLE 8

Consuls-general and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls, and Consular Agents in the cities, ports, and places within their consular jurisdiction. These officers may be citizens of the United States, of Belgium, or other foreigners. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in articles 3 and 4.

ARTICLE 9

Consuls-general, Consuls, Vice-Consuls, and Consular Agents, may complain to the authorities of the respective countries, whether federal or local, judicial or local, judicial or executive, within their consular district, of any infraction of the treaties and Conventions between the United States and Belgium or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a Diplomatic agent of their country, may apply directly to the Government of the country where they reside.

ARTICLE 10

Consuls-general, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said consular officer may belong. Copies of such papers and official documents of every kind, whether in the original, copies or translation duly authenticated and legalized by the Consuls-general, Consuls, Vice-Consuls, and consular Agents, and sealed with their official seal, shall be received as

legal documents in courts of justice throughout the United States and Belgium.

ARTICLE 11

Consuls-general, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the federal, State, or municipal authorities or courts in the United States, nor any court or authority in Belgium shall, on any pretext, interfere in these differences.

ARTICLE 12

The respective Consuls-general, Consuls, Vice-Consuls, and consular Agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant vessels of their nation who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end, the Consuls of the United States in Belgium may apply to any of the competent authorities; and the Consuls of Belgium in the United States may apply in writing to either the federal, State, or municipal courts or authorities, and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the consular officers, the deserters, not being citizens of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

ARTICLE 13

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-general, Consuls, Vice-Consuls, and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

ARTICLE 14

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by Consuls-general, Consuls, and Vice-Consuls of the two countries respectively, and until their arrival, by the respective Consular Agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

ARTICLE 15

In case of the death of any citizen of the United States in Belgium, or of a citizen of Belgium in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance in order that the necessary information may be immediately forwarded to parties interested.

ARTICLE 16

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective Constitutions of the two countries, and exchanged at Brussels within the period of six months, or sooner if possible.³ In case neither party gives notice, twelve months after the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective Plenipotentiaries have signed this Convention, and have hereunto affixed their seals.

Done at Brussels, in duplicate, the fifth day of December, eighteen hundred and sixty-eight.

H. S. SANFORD	[SEAL]
JULES VANDER STICHELEN	[SEAL]

³ See footnote 1, p. 478.